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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,416	08/21/2003	Ophir Rachman	6599P011	9242
8791 7590 05/15/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER WANG, RONGFA PHILIP	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/646,416	Applicant(s) RACHMAN ET AL.	
	Examiner Philip Wang	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-18 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18 and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detail Action

1. This office action is in response to the application filed on 3/5/2007.
2. The objection to specification has been withdrawn in view of the applicant's amendment to the specification.
3. The objection of claim 20 is withdrawn in view of cancellation of the claim.
4. The 35 USC § 112 second paragraph rejection claim 20 is withdrawn in view of cancellation of the claim.
5. The 35 USC § 112 second paragraph rejection claims 7, 9, 13, 14-18, and 21 are withdrawn in view of applicant's amendment to the claims.
6. The 35 USC § 112 first paragraph rejects of claims 14-17 are withdrawn in view of the Applicant's persuasive argument.
7. Per Applicant's request, claims 12 and 19-21 have been canceled; claims 1-3, 5-7, 9, 10, 13-15, 17, 18, and 22 have been amended; and claims 25-33 are new claims entered.
8. Claims 1-11, 13-18, and 22-33 are pending.

Priority

9. The priority date considered for this application is 5/16/2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1-7, 10, 14-18, and 22-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claim , claim 1, recites the limitation of "converting an installation program which is in a non-streamable installation format into a streamable installation program". The examiner interprets "a non-streamable installation format" as a format that, in any case, cannot be converted into a streaming format. Claims 14, 18, 22, and 27 claim similar limitation. The specification does not appear to disclose such limitation. Respective dependent claims of claims 1, 14, 18, 22 and 27 suffer the same deficiency.

11. Claims 1-7, 10, 14-18, and 22-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Independent claim, claim 1 recites the limitation of "converting an installation program which is in a non-streamable installation format into a streamable installation program". The examiner interprets "a non-streamable installation format" as a format that, in any case, cannot be converted into a streaming format. Since a non-streamable format cannot be converted into a streaming format, in any case. Therefore, there is lack of enablement for such limitation. Claims 14, 18, 22, and 27 claim similar limitation. Respective dependent claims of claims 1, 14, 18, 22 and 27 suffer the same deficiency. Since such limitation is not enabled, no prior art rejections for the above claims will be provided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 8, 9, 11, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Holler et al. (PGPub. No. 2003/0004882).

As per claim 8, Holler et al. disclose a method comprising:

- downloading, to a client over a network, only portions of an installation program, the installation program for use to install a software application on a computer system, wherein the software application resides on a server ([0015], "...an optimized server for streamed applications..."; [0080], line 5-6, "...the application is converted into a form suitable for streaming over the network.");
- using only said downloaded portions of the installation program on the client to configure the client to execute the software application, including identifying portions of the software application that are to be download to the client; downloading only said portions of the software application from the server to the client; and executing the software application on the client using only said portions of the software application downloaded to the client([0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client...the information needed by the client to prepare for the streaming and execution of the application"; [0157]).

As per claim 9, the rejection of claim 8 is incorporated; further Holler et al. disclose

- a dummy installation image ([0605], "...the set of pages critical for the initial invocation and packages them as part of the AIB...), application information ([0434], "...includes versioning information, application identification...) and a database, the database containing the software application and indicating a segmenting of the software application (See Fig. 31, [0428]–[0567])).

As per claim 11, the rejection of claim 9 is incorporated; further Holler et al. disclose

- said streaming the installation program to the target processing system comprises using the installation program in a streaming mode to create user-specific information on the target processing system, the user-specific information for subsequent use by the software application when the software application is executed on the target processing system in the streaming mode ([0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be

downloaded..."; [0157]).

As per claim 13, the rejection of claim 9 is incorporated; further Holler et al. disclose

- a dummy installation image ([0605], "...the set of pages critical for the initial invocation and packages them as part of the AIB..), application information ([0434], "...includes versioning information, application identification...) and a database, the database containing the software application and indicating a segmenting of the software application (See Fig. 31, [0428]-[0567])).

Response to Arguments

In the remark,

1) The Applicant argues

Holler fails to disclose "converting an installation program which is in a non-streamable installation format into a streamable installation program".

1) The examiner's response

The examiner interprets a non-streamable installation format is a format that cannot be converted into a streaming format, in any case. Therefore, it is impossible to perform such limitation. Arguments related to claims reciting such limitation are considered moot.

2) The Applicant argues

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Holler fails to disclose the limitation of “downloading only portions of an installation program to a client, and then using only the downloaded portions of the installation program on the client to configure the client to execute the software application.”

2) The examiner's response

Additional information regarding the Stream Enable Application Install Block can be referenced in, for example,

[0428], lines 1-5, “...the AppinstallBlock is a block of code....to initialize the client machine...”;

[0429], lines 13-25, “...The AppinstallBlock contains an optional application-specific initialization code...”;

[0431], lines 19-21, “Finally, the code section contains an optional program tailored for any application-specific installation not covered by the default streamed application installation procedure.”

This shows that AppinstallBlock contains portion of an installation program and the portion is used to configure a client.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

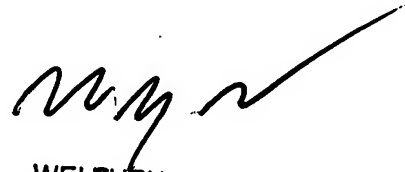
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'WZ' followed by a long horizontal stroke.

WEI ZHEN
SUPERVISORY PATENT EXAMINER